

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION, CANTON**

In re:	-----X	
	:	Case No. 10-61033
	:	
THE HERALD PRINTING COMPANY	:	Chapter 11
	:	
an Ohio corporation,	:	Judge Russ Kendig
	:	
Debtor and	:	
Debtor-in-Possession.	:	
	:	
(Employer Tax I.D. No. 34-1050454)	:	

MOTION TO DISMISS

Now comes the Debtor and Debtor in Possession in the above-captioned case, by and through its undersigned counsel, and hereby submits the following as its Motion to Dismiss its chapter 11 case pursuant to 11 U.S.C. § 1112(b)(1) and Rule 2002 of the Federal Rules of Bankruptcy Procedure. For its Motion the Debtor states as follows:

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of the Debtor's chapter 11 case and this Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Section 521(a) of Title 11 (the "Bankruptcy Code") of the United States Code and Rule 1007 of the Federal Rules

of Bankruptcy Procedure (the “Bankruptcy Rules”) provide the statutory predicate for the relief sought herein.

2. The Debtor has been operating in chapter 11 since March 17, 2010. During the chapter 11 proceeding the Debtor has proceeded to sell substantially all of its assets to HPC Acquisition Co., Inc. (the “Sale”). The sale resulted in proceeds substantially less than that owed to the Debtor’s secured creditor PAF Investments, LLC and therefore, there were no proceeds of sale available to unsecured creditors of the Debtor.

3. Since the closing of the sale on August 11, 2010, the Debtor has had no operations and has no remaining meaningful assets. Further, the Debtor has no prospect of having operations in the future and no meaningful assets. There are no meaningful or substantial preferential transfers or fraudulent transfers to prosecute for the benefit of the Debtor’s creditors as evidenced by the Schedules and Statement of Financial Affairs filed in the instant case. That is further supported by the Debtor’s principals’ testimony at the meeting of creditors. As a result, the Debtor will have no ability to propose a confirmable plan. Moreover, given the Debtor’s current business prospects, it does not anticipate having any ability to propose a confirmable plan in the future.

4. For the foregoing reasons, the Debtor believes that it is in the best interest of the creditors of the Debtor for the instant case to be dismissed.

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WHEREFORE, the Debtor respectfully requests that the Court enter an order in the form attached hereto as Exhibit A dismissing the Debtor's case pursuant to 11 U.S.C. § 1112(b)(1) granting such other and further relief as the Court may deem proper.

Respectfully submitted,

/s/ Anthony J. DeGirolamo

Anthony J. DeGirolamo (0059265)

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COUNSEL FOR THE DEBTOR
AND DEBTOR IN POSSESSION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the Motion to Dismiss was served via regular U.S. Mail, postage prepaid, upon those listed below, this 13th day of August 2010.

/s/ Anthony J. DeGirolamo

Anthony J. DeGirolamo (0059265)

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Cleveland OH 44114

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Internal Revenue Service
Insolvency Group
1240 E 9th St Rm 457
Cleveland OH 44199

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION, CANTON**

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THE HERALD PRINTING COMPANY	: Chapter 11
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an Ohio corporation,	: Judge Russ Kendig
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Debtor and	:
Debtor-in-Possession.	:
	:
(Employer Tax I.D. No. 34-1050454)	:
-----X	

ORDER GRANTING DEBTOR’S MOTION TO DISMISS

This matter coming to be heard on the Motion to Dismiss filed by the debtor and debtor in possession the above-captioned chapter 11 case (the “Debtor”); the Court having reviewed the Motion; the Court finding that: (a) the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) venue of this chapter 11 case and the Motion is proper pursuant to 28 U.S.C. §§ 1408 and 1409;

and (d) notice of the Motion and the hearing was sufficient under the circumstance; and the Court having determined that the legal and factual bases set forth in the Motion;

IT IS HEREBY ORDERED THAT:

1. The Motion shall be, and hereby is, GRANTED.
2. The Debtor's chapter 11 case is hereby dismissed pursuant to 11 U.S.C. § 1112(b)(1).

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PREPARED BY:

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**COUNSEL FOR THE DEBTOR
AND DEBTOR IN POSSESSION**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Order was served via regular U.S. Mail, postage prepaid, upon those listed below, this __ day of September 2010.

Deputy Clerk

Office of the United States Trustee
Howard Metzenbaum Courthouse
201 Superior Ave E Ste 441
Cleveland OH 44114

PAF Investments LLC
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Northbrook IL 60062

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